

TITLE 4: BUSINESS AND SPECIAL LICENSES, REGULATIONS

DIVISION 2: SPECIAL LICENSES AND REGULATIONS

Chapter 1: CARNIVALS

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42.011 License Required.

It shall be unlawful for any person or persons whether as principal, clerk, servant, agent or employee to engage in, conduct, or carry on or participate in any business, exhibition or occupation, in this chapter specified, without having first procured a license so to do, and paid the fee for such license as in this chapter provided, or to engage in, or conduct or carry on any such business unless a license shall have been duly issued for the particular business or establishment sought to be conducted, and such license shall not have expired or shall not have been revoked; and every person who shall violate any law the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment in the County Jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

Adopted Ordinance #474 (1939); Amended Ordinance #649 (1950); Amended Ordinance #1522 (1969);

42.012 Application, Investigation and Hearing.

Application for such license shall be made to the Board of Supervisors of the County of San Bernardino in writing and shall state the name and address of the applicant; the particular kind of business, exhibition or occupation to be conducted; the place where the same is to be conducted and must be accompanied by the license fee, as in this chapter prescribed, for the period for which the license is sought. Upon receipt of such application, together with the license fee, as in this chapter provided, the Board of Supervisors shall thoroughly investigate the application. After such investigation the Board of Supervisors may grant the application, or in its judgment, may call for a public hearing to determine whether or not the application shall be granted.

Notice of such public hearing shall be given by two (2) publications in a newspaper of general circulation, circulated in the town, village, community or district wherein or in the vicinity of which such business, exhibition or occupation is sought to be conducted, and if there be no such newspaper, then by posting such notice in three (3) public places in such town, village, community or district.

At the time and place set for the hearing or to which said hearing may be continued by the Board of Supervisors, the Board of Supervisors shall hear the applicant for such license who may present any facts or witnesses to show why such license should be granted, and shall hear and consider all oral and written objections to the granting of said license, and may place under oath and interrogate any person before it. At the close of the hearing, or at any time within thirty (30) days thereafter, the Board of Supervisors may deny the application for such license if, from the facts produced at the hearing, and from any other facts in its possession, it shall appear:

(a) That the premises in respect to which the license is to be issued do not comply with the requirements of any law, or are injurious to the public Health, safety or morals; or

(b) That the applicant for such license is an unfit person to be trusted with the privilege granted by such license; or

(c) That the conduct of the business, exhibition or occupation sought to be licensed is likely to become a public nuisance or to constitute a breach of the public peace or is likely to become, in any way, a detriment to public welfare.

Adopted Ordinance #474 (1939); Amended Ordinance #649 (1950); Amended Ordinance #1522 (1969);

42.013 Issuance and Display of License.

Upon approval of any application for such license by the Board of Supervisors as herein provided, the County Tax Collector shall issue a license to the applicant; such license shall set forth the name of the applicant; the place where the business, exhibition or occupation is to be conducted; the period for which issued and the amount of the

fee paid. Each license shall be non-transferable, shall be posted in a conspicuous place in or on the premises in respect to which it is issued and shall be exhibited to any peace officer. Each license issued hereunder is separate and distinct and no person shall seek to exercise the privileges granted thereunder except the person, corporation or association to whom it is issued and at the specific place for which it was issued.

Adopted Ordinance #474 (1939); Amended Ordinance #649 (1950); Amended Ordinance #1522 (1969);

42.014 Revocation of License, Hearing.

Every license granted under this chapter or any section thereof is granted and accepted by all parties receiving such license with the express understanding that the Board of Supervisors may revoke the same or the order for the issuance thereof, at any time when it appears to the Board of Supervisors that any state of facts exists upon which it would be authorized to deny an application for such license, or that the person to whom such license was issued or any of its agents, servants or employees, or any other person in charge of or employed about the business, exhibition or occupation for which such license was issued, has violated any of the conditions of the license or terms of this chapter or of any other ordinance or of any law of the State, now or hereafter in force, regulating the exhibition, occupation or business for which such license is issued, or that the license was obtained by fraudulent representations, or that the holder of the license is an unfit person to be trusted with the privileges granted by said license, or has conducted its business in an immoral or disorderly manner, or has conducted such business, exhibition or occupation in such a manner as to be detrimental to public peace, public safety or public welfare; provided however, that no license shall be revoked without giving the holder thereof an opportunity to appear before the Board of Supervisors in his own behalf. If the Board of Supervisors is of the opinion that a hearing should be had to determine whether or not the license should be revoked, it shall cause a notice of such hearing to be given to the holder of such license at a time not less than five (5) days before the hearing. At the time set for the hearing or at the date to which said hearing may be continued by the Board of Supervisors, the Board of Supervisors shall hear the holder of the license, who may present any facts to show why such license shall not be revoked, and shall hear statements from other persons who may attend the hearing and present reasons why the license should or should not be revoked, and may, if it so desires, place under oath and question any person before it; provided, that the Board of Supervisors may close the hearing when it is convinced that no public good will result from its continuance. At the close of the hearing, or at any time within thirty (30) days thereafter, the Board of Supervisors shall determine from the facts produced at the hearing, and from any other facts in its possession, whether or not the license should be revoked, and shall make its order accordingly and may make such order conditional upon the doing or not doing of any act by the holder of the license or his agents or servants, which the Board of Supervisors deems for the public good. On the revocation of the license no part of the money in the hands of the Tax Collector shall be returned, but such license fee shall be forfeited to the County. Notice of such revocation shall be given to the Tax Collector by the Clerk of the Board.

Adopted Ordinance #474 (1939); Amended Ordinance #649 (1950); Amended Ordinance #1522 (1969);

42.015 Enforcement.

(a) **SUIT BY TAX COLLECTOR.** It shall be the duty of the Tax Collector to cause suit to be brought in the name of the County of San Bernardino as plaintiff for the recovery of any license fee herein imposed against any person required by this chapter to first procure a license before engaging in any business, as herein defined, who carries on or attempts to carry on such business without such license.

(b) **REPRESENTATION OF TAX COLLECTOR BY DISTRICT ATTORNEY.** It shall be the duty of the District Attorney to prosecute all violations of this chapter on sworn complaint thereto, and to act as attorney for the Tax Collector, for the collection of any unpaid license fees.

Adopted Ordinance #474 (1939); Amended Ordinance #649 (1950); Amended Ordinance #1522 (1969);

42.016 Duration of License

All sums of money for licenses provided for in this chapter are due and payable in advance at the office of the County Tax Collector and all licenses herein provided for may be issued for any period not exceeding one (1) year and not less than the period for which a license fee is fixed.

Adopted Ordinance #474 (1939); Amended Ordinance #649 (1950); Amended Ordinance #1522 (1969);

42.017 Definition of Person or Party.

Whenever the word "person" or "party" is used in this chapter referring to those liable to pay license fees, the same is intended and shall be construed to include as well a firm, association or corporation carrying on the business for which a license must be procured, and when the terms in this chapter designate the principal, the same shall be construed to include as well the agents, servants, representatives and employees of such principal. It is the intention

hereof to license the business, exhibition or occupation, and not separate or individual acts, except as herein otherwise provided.

Adopted Ordinance #474 (1939); Amended Ordinance #649 (1950); Amended Ordinance #1522 (1969);

42.018 Reasons for Denial of License or Renewal of License.

No license nor any renewal of the same shall be granted for any business, exhibition or occupation, which is a public nuisance or which has been so conducted as to a public nuisance. A license or a renewal thereof may be refused because the business, exhibition or occupation is apt to become a public nuisance, or is, apt to be in any way detrimental to the public interest, or that the applicant therefor is a person unfit to be trusted with the privileges granted by said license. No person who has been once refused a license, or who has failed to prosecute his application therefor to a hearing before the Board of Supervisors, as herein provided, shall be granted a license for the same business, occupation or exhibition except upon order of the Board of Supervisors. Any applicant for a license may be examined under oath to determine who is the real party in interest in the business, occupation or exhibition for which a license is sought, and if the Board of Supervisors is satisfied that the application is not in the interest of the party in whose name the application is made it may refuse to grant the license, and if found to be in the interest of one who has already been refused a license, it may treat the application as though made by the real party in interest, and the application shall have the same effect against any future application as if it had been made in the name of the real party in interest.

Adopted Ordinance #474 (1939); Amended Ordinance #649 (1950); Amended Ordinance #1522 (1969);

42.019 Exemption of Incorporated Area.

Nothing herein contained shall be deemed to regulate or impose a license upon any business, exhibition or occupation carried on within the boundaries of any incorporated city or town.

Adopted Ordinance #474 (1939); Amended Ordinance #649 (1950); Amended Ordinance #1522 (1969);

42.0110 Show License.

Every person carrying on the business or occupation of exhibiting or conducting a traveling show or entertainment open to the public, including any caravan, museum, menagerie, collection of animals or freaks, circus, sideshows, burlesque show, rodeo, carnival, exhibition of animals, feats of horsemanship, acrobatic performance, "Wild West" show or other show or entertainment similar in character and not otherwise named, shall procure a license and pay a license fee as indicated in the current fee ordinance.

Adopted Ordinance #474 (1939); Amended Ordinance #649 (1950); Amended Ordinance #1522 (1969);

42.011 Skating License.

Every person conducting the business of a public exhibition of a roller skating race, roller derby, roller skating derby, roller skating exhibition, or ice skating race, ice skating derby, ice skating exhibition or any contest or exhibition of speed or skill on roller skates or ice skates, which is open to the public, shall procure a license and pay a license ad indicated in the current fee ordinance.

Adopted Ordinance #474 (1939); Amended Ordinance #649 (1950); Amended Ordinance #1522 (1969);

42.0112 Race Track License.

Every person conducting the business of a race track which is open to the public and at which races or exhibitions of speed, skill, daring or endurance by means of automobiles, midget automobiles, midget races, racing cars or motorcycles are held shall procure a license and pay a license fee as indicated in the current fee ordinance. Every person conducting the business of a race track which is open to the public and at which races between animals are held shall procure a license and pay a license fee as indicated in the current fee ordinance.

Adopted Ordinance #474 (1939); Amended Ordinance #649 (1950); Amended Ordinance #1522 (1969);